

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PATTIE BUSBY)	CASE NO. 3:14-CV-00410
)	
Plaintiff)	JUDGE THOMAS M. ROSE
)	
v.)	
)	
BANK OF AMERICA, N.A., et al.)	<u>DEFENDANT REIMER, ARNOVITZ,</u>
)	<u>CHERNEK & JEFFREY CO., L.P.A.'S</u>
Defendants)	<u>BRIEF IN OPPOSITION TO</u>
)	<u>PLAINTIFF'S OBJECTIONS TO</u>
)	<u>AUGUST 28, 2015 MAGISTRATE'S</u>
)	<u>REPORT AND RECOMMENDATIONS</u>

On January 30, 2014, Defendant Reimer, Arnovitz, Chernek & Jeffrey Co., L.P.A. ("Reimer Firm") filed a Motion to Dismiss Plaintiff's Complaint (ECF No. 7) based on the statute of limitations and other grounds. On April 3, 2015, the Magistrate Judge issued a Report and Recommendations (ECF No. 31) concluding that all of Plaintiff's claims were time-barred and recommending dismissal with prejudice. On June 3, 2015, over Plaintiff's objections, this Court adopted the Magistrate Judge's Report and Recommendations and terminated the case. (ECF No. 48).

Since that time, Plaintiff filed a Motion for Rule 59 Relief (ECF No. 51). The Magistrate Judge recommended that Plaintiff's Rule 59 Motion be denied (ECF Nos. 52, 55), again over Plaintiff's objections (ECF Nos. 53-56). On August 24, 2015, this Court adopted the Magistrate Judge's Recommendations in their entirety and denied Plaintiff's Motion for Rule 59 Relief. (ECF No. 58).

Undaunted, Plaintiff filed a Motion for Rule 60(B) Relief on August 25, 2015 (ECF No. 59). The Magistrate Judge issued a Report and Recommendations on Plaintiff's Motion for Relief from Judgment (ECF No. 60) on August 28, 2015. The Magistrate Judge correctly determined that Plaintiff failed to satisfy the requirements set forth in Fed. R. Civ. P. 60(B). The Magistrate Judge specifically addressed Plaintiff's claim of "new evidence" which consisted of excerpts of deposition testimony of a lawyer at the Reimer Firm extracted from a Motion for Summary Judgment filed in a separate lawsuit. This "new evidence" was not properly authenticated, and, more importantly, was simply not relevant to this Court's dismissal of the claims asserted against the Reimer Firm. Plaintiff has seemingly ignored the fact that all of the claims asserted in her Complaint are time-barred as a matter of law, and the alleged "new evidence" simply does not address that fatal deficiency.

Plaintiff has now objected to the Magistrate Judge's August 28, 2015 Report and Recommendations (ECF No. 61). However, Plaintiff has again failed in her objection to address the undeniable fact that all of her causes of action are barred by the applicable statutes of limitation. The Reimer Firm therefore respectfully requests that this Court adopt the Magistrate Judge's Report and Recommendation (ECF No. 60) and deny Plaintiff's Objections to that Report (ECF No. 61).

Respectfully submitted,

s/Catherine F. Peters

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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2015 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. The Plaintiff Pro Se will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

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